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U S DISTRICT COURT ONLY

★ APR 30 2015 ★

LONG ISLAND OFFICE

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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JESUS L. DIAZ,

Plaintiff,

-against-

ORDER
14-CV-5829 (SJF)(ARL)

JOE SLEDGE, BILL MARENGO, FRANCES MAIDA,
ROBERT A. MCDONALD, NORTHPORT VA
MEDICAL CENTER,

Defendants.
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FEUERSTEIN, District Judge:

By Order dated January 23, 2015 ("the Order"), the undersigned granted the application of *pro se* plaintiff Jesus L. Diaz ("plaintiff") to proceed *in forma pauperis* and dismissed the complaint with prejudice unless plaintiff filed an amended complaint in accordance with the guidance set forth in the Order within thirty (30) days therefrom. The Order warned plaintiff that failure to file an amended complaint within thirty (30) days would result in his complaint being dismissed with prejudice and the case being closed. To date, plaintiff has not filed an amended complaint nor has plaintiff otherwise communicated with the Court.

Accordingly, plaintiff's complaint is dismissed with prejudice for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b). The Clerk of the Court is directed to close this case. The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this Order would not be taken in good faith and therefore *in forma pauperis* status is denied for the purpose of any appeal. *See Coppedge v. United States*, 369 U.S. 438, 444-45, 82 S. Ct. 917, 8 L. Ed. 2d 21 (1962).

SO ORDERED.

s/ Sandra J. Feuerstein
Sandra J. Feuerstein
United States District Judge

Dated: April 30, 2015
Central Islip, New York